

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PHOENIX NETWORK CORPORATION)	
)	CASE NO. 89-356
)	
_____)	
ALLEGED VIOLATION OF KRS 278.020 and)	
KRS 278.160)	

O R D E R

On October 10, 1989, Phoenix Network Corporation ("Phoenix") applied for a Certificate of Public Convenience and Necessity to provide long distance telecommunications services. On November 27, 1989, Phoenix filed responses to data requests propounded by the Commission which state that it began operating in the greater metropolitan Cincinnati area, including Northern Kentucky, in 1984. Phoenix began offering service for which it collected compensation.

Accordingly, the Commission finds a prima facie showing has been made that Phoenix failed to file with the Commission its application for approval to operate and its schedule of rates and conditions of service prior to collecting compensation for the provisions of utility service in violation of KRS 278.020 and KRS 278.160.

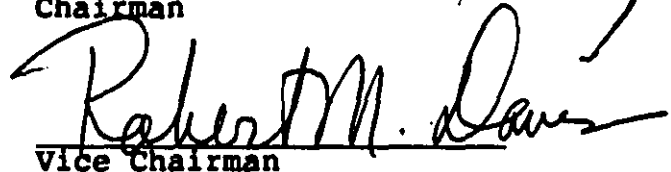
IT IS THEREFORE ORDERED that Phoenix shall appear at a hearing scheduled for January 11, 1990, at 10:00 a.m., Eastern Standard Time, in Hearing Room 1 at the Commission's offices, 730

Schenkel Lane, Frankfort, Kentucky, to present evidence on the alleged violation of KRS 278.020 and 278.160, and to be prepared to show cause why Phoenix should not be penalized under KRS 278.990 and should not be required to make refunds of compensation collected prior to filing its schedule of rates and conditions of service, if such violation is found to have occurred.

Done at Frankfort, Kentucky, this 13th day of December, 1989.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman

Commissioner

ATTEST:

Executive Director